

REMARKS

Claims 1 and 3-21 were present for examination in the above-identified application. All claims stand rejected based on the prior art. U.S. Patent 6,249,673 to Tsui '673 is the primary, and often only, reference in all rejections.

Both the present application and the Tsui '673 reference relate to learning transmitters for transmitting security codes. The Tsui '673 system receives rf signals from a "template" transmitter to learn configuration settings such as frequency, code format and security code from the template transmitter. The rf signals are received and detected and data representing the received signal is then stored in the transmitter in association with one of a plurality of transmit switches. Activating the associated transmit switch after the signal representing data is stored will cause the transmitter to rf transmit the security code.

Applicant's disclosed arrangement is different from that of Tsui. Applicant's arrangement includes a first plurality of input switches for defining the configuration settings in place of Tsui's more complicated rf receiver and analysis of received signals. During a learn mode, a user sets the input switches and the configuration settings defined by those switches, including a code to be transmitted, will be read and stored in association with one of a plurality of transmit switches. The configuration signals may include the frequency and format of transmission of the code set by the switches. Applicant's claims have been amended to recite that the code to be transmitted by the transmitter is set by the configuration switches. During transmit operation after the learn mode, activation of a transmit switch causes the reading of the associated configuration setting from memory and the transmission of the security code at the frequency, format and security code defined by the configuration setting.

The system described by applicant includes two types of user manipulatable switches. The first type (represented by example as 52 in Fig. 3A) is controlled by an operator to define the code to be transmitted and the attributes of a signal for transmission i.e. the configuration signals. The first type of switches are referred to as signal configuration switches. The second type of switches represented by example as 50 in Fig. 3B) may be used to identify storage locations during a learn operation and to initiate the transmission of codes during the operate

mode. Applicant can find only the second type of switches, represented by switches 260 (S1-S8) in Fig. 2 of in the '673 reference. No switches can be found which are used define signal configuration settings and particularly no switches are present to define a code to be transmitted.

Claims 1, 4-5 stand rejected as anticipated by '673. To anticipate, a reference must teach every element of the claim. Claim 1, as amended, recites a plurality of user manipulatable signal configuration switches to define signal configuration settings. The signal configuration settings include the setting of a code for transmission and one or more of defining a transmit frequency and defining a transmit format. All of applicant's independent claims, including claims 1, 8 and 9, have been amended to specifically recite that the configuration switches define signal configuration settings including the code to be transmitted. The claim 1 also includes a controller, responsive to the signal configuration switches for storing in memory, the signal configurations defined by the signal configuration switches. No such controller is taught or suggested by '673. The cited reference does store data identifying frequency, format and code, but that data is derived from a template transmitter and a complicated rf receiver and code detection arrangement.

The Examiner argues that the switches S1-S8 of '673 are both the signal configuration switches and the transmit initiation keys. This is not the case because switches S1-S8 do not define signal configuration settings including a code to be transmitted for storage in memory; instead they identify which data to read from memory to transmit a security code. Col. 6, lines 1-22 of Tsui '673 clearly states that the code to be transmitted is learned from a template transmitter, not switches S1-S8. The only discussion of switches S1-S8 is that they are used to select which of a plurality of memory locations is to provide a code for transmission. In view of the foregoing, applicant asserts that Tsui '673 does not include a plurality of configuration switches which define configuration settings including a code to be transmitted. The 35 U.S.C. 102 rejection of claims 1, 4 and 5 is traversed and that claims 3 and 6 which depend from Claim 1 are allowable due to that dependence.

Applicant's claims 8 and 9 are also stated by the Examiner to be anticipated by '673. Claims 8 and 9, as amended, include setting configuration switches to first positions defining a first signal configuration including a first code then storing the first configuration read from the switches in memory. As stated above, '673 does not show or teach storing switch settings defining a code to be transmitted in memory to define a signal to later be transmitted. Claims 8

and 9 also include steps of setting the switches to a second set of positions defining a second configuration signal including a second code and storing the second switch readings in a second (different than the first) memory position. The only mention of configuration setting switches in '673 occurs in column 1, lines 44-65 in a discussion of prior art and there is no discussion of storing such switch settings in memory. There is also no suggestion or teaching of resetting such switches to provide a second configuration for storage in memory. In view of the foregoing, applicant asserts that claims 8 and 9 are allowable as amended.

Claim 10 stands rejected as obvious under 35 U.S.C. 103 as unpatentable over Tsui '673 in view of Tsui U.S. Patent 6,556,813 ('813).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. MPEP § 2142

Applicant asserts that the references include no suggestion or motivation for combination and in fact they teach away from such combination.

Tsui '673 from column 1, line 66 through column 2, line 7 clearly teaches that its system is intended to replace the prior manual setting system, such as Tsui '813, which require prior knowledge of the code, format and frequency. Thus, not only is there no motivation to combine in the references they teach away from such combination.

Further, the references, even if combined do not teach or suggest all of the claim limitations. Neither reference or their combination teach or suggest the step of storing a first signal configuration defined by multi-position switches into a first memory location and the step of storing a second signal configuration defined by the same multi-position switches into a second memory location. In view of the foregoing, applicant asserts that claim 10 and claims 11-15 which depend therefrom are allowable.

Claim 16 stands rejected under 35 U.S.C. 103 as obvious in view of '673. Claim 16 as amended includes the steps of setting configuration switches to define a code signal configuration

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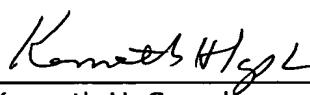
Attorney Docket No. 70550

including a code to be transmitted, reading the code configuration from the switches and storing the configuration so read in memory. The '673 reference does not include configuration switches defining a code to be learned as included in the claim, as discussed throughout this response. Accordingly, it cannot read them and store a configuration signal they represent. Thus, '673 does not teach or suggest a limitation recited in the claim 16 and accordingly, no *prima facie* case of obviousness is established. Claims 17-21 are asserted to be allowable due to their dependence on claim 16.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully requested,

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